

**MEDICAL EXAMINING BOARD
MINUTES
May 18, 2005**

PRESENT: Mary R. Cook, JD; Dr. Jon Gudeman, MD; Virginia Heinemann; Dr. Jack Lockhart, MD; Dr. Gene Musser, MD; Dr. Sandra Osborn, MD.; Dr. Bhupinder Saini, MD; Dr. Ian Munro, MD; Dr. Lief Erickson, Jr., MD (via teleconference for portions of the meeting)

EXCUSED: Dr. Alfred Franger, MD; Dr. Sujatha Kailas, MD; Dr. Daniel Miota, DO

STAFF: Tom Ryan, Bureau Director; Colleen Baird, DRL Board Counsel; PJ Monson, Bureau Assistant

GUESTS: Mark Grapentine, Wisconsin Medical Society

CALL TO ORDER

Dr. Saini, Vice-Chair, called the meeting to order at 8:05 a.m. There was a quorum of 9 members present.

Tom Ryan, Bureau Director, introduced Celia M Jackson, the new Secretary of the Department. The Secretary extended an invitation should any member want to meet with her.

APPROVAL OF AGENDA

Additions to Agenda:

- Item C between pgs 16&17-Add Small Business Brochure
- Item F Between pgs. 58&59-Add HIPAA Administrative Simplification – Identifiers –(informational item)
- Stipulations Between M&N, pgs.128&129-Two Stipulations added regarding John H Randall MD and Scott D Howells, MD
- Between N&O, #155-#158 pgs 130&131-Four warnings added.
- Item O, between pgs.156-157-Additional information from the Texas State Board of Medical Examiners regarding the application of Oscar Perez, MD.
- Between Item S&T, pgs. 216-217- Application for licensure - Elod Z Szabo.

MOTION: Dr. Gudeman moved, seconded by Dr. Munro, to approve the agenda of May 18, 2005, as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 20, 2005

Amendments to Minutes:

- Board member Dr. Gudeman expressed there is only one N in his last name.
- Dr. Osborn asked that references to Attorney Mary Cook appear without the Dr. before her name.

MOTION: Ms. Cook moved, seconded by Dr. Osborn, to approve the April 20, 2005 minutes as amended. Motion carried unanimously.

FSMB MERITORIOUS SERVICE AWARD

Deanna Zychowski appeared with the meritorious service award she recently received from the FSMB for her many contributions to the medical field. The board recognized her accomplishments and congratulated her.

SCREENING PANEL REPORT

The screening panel reported that it reviewed 39 complaints: 11 were opened, 27 were not opened and 1 was deferred for additional information.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

Bruce E. Greenfield, MD

Jack Zwieg presented a Notice of Petition and Petition for Summary Suspension in the matter of Bruce E. Greenfield, MD.

Arthur H. Bloch, MD

Michael Berndt presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Arthur H. Bloch, MD.

Nickolas P. Tierney, MD

Jack Zwieg presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Nickolas P. Tierney, MD.

David B. Tick, MD

James Polewski presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against David B. Tick, MD.

Robert W. Harrington, MD

Gil Lubcke presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Robert W. Harrington, MD.

John H. Randall, MD

Pamela Stach presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against John H. Randall, MD.

Scott D. Howells, MD

Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Scott D. Howells, MD.

ADMINISTRATIVE REPORT

Small Business Rule Review:

Chris Klein presented information regarding the Small Business Review Advisory Committee and responded to members' questions.

MEB Appointment to Pharmacy Advisory Council:

Tom Ryan conveyed a request from the Pharmacy Board to appoint a member of the Medical Board to the Pharmacy Advisory Council.

MOTION: Dr. Lockhart moved, seconded by Dr. Gudeman, to authorize the Chair, with the Vice Chair as an alternate, to represent the Board on the Pharmacy Advisory Council. Motion carried unanimously.

**PA COUNCIL REQUEST FOR MEB APPROVAL OF SCHOOL
ACCREDITATION LIST**

The Board reviewed the ARC-PA program accreditation list.

MOTION: Ms. Heinemann moved, seconded by Dr. Osborn, to accept the ARC-PA program accreditation list as the successor agency identified in Wis. Admin. Code MED 8.04. Motion carried unanimously.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES,
ADMINISTRATIVE RULES AND LEGISLATION**

Noted.

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Dr. Munro moved, seconded by Ms. Heinemann, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Dr. Gudeman-yes, Dr. Lockhart-yes, Dr. Erickson-via teleconference-yes; Ms. Cook-yes, Ms. Heinemann-yes, Dr. Musser-yes; Dr. Osborn-yes; Dr. Bhupinder Saini-yes; Dr. Ian Munro-yes.

Open Session recessed at 10:02 a.m.

Dr. Erickson joined the meeting at 10:02 a.m. and participated in the deliberation of petition for summary suspension of Bruce E. Greenfield, MD. He then left the meeting and returned at 1:25 p.m. through 1:35 p.m. to participate in voting.

RECONVENE TO OPEN SESSION

MOTION: Dr. Gudeman moved, seconded by Dr. Munro, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 1:30 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Ms. Cook moved, seconded by Ms. Heinemann, to reaffirm all motions made during closed session. Motion carried unanimously.

PETITION FOR SUMMARY SUSPENSION 04 MED 345 BRUCE E. GREENFIELD, MD

MOTION: Ms. Cook moved, seconded by Dr. Musser, to adopt the order of summary suspension in the matter of Bruce E. Greenfield, MD. Motion carried unanimously.

MOTION: Dr. Gudeman moved, seconded by Ms. Heinemann, in favor of a finding of probable cause and to issue a complaint in the matter of Bruce E. Greenfield, MD. Motion carried unanimously.

MOTION: Dr. Musser moved, seconded by Dr. Osborn, to delegate one or more members of the Board to preside at a show cause proceeding if requested by the respondent. The members shall be delegated at the discretion of the Department. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS
AND ORDERS**

ARTHUR H. BLOCH, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against **Arthur H. Bloch, MD – 01 MED 295**. Motion carried unanimously.

NICKOLAS P. TIERNEY, MD

MOTION: Dr. Gudeman moved, seconded by Ms. Heinemann, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against **Nicholas P. Tierney, MD – 04 MED 324**. Motion carried unanimously.

DAVID B. TICK, MD

MOTION: Dr. Lockhart moved, seconded by Dr. Munro, to reject the Stipulation of **David B. Tick, MD– 03 MED 326** and refer this case back to DOE to be drafted as an administrative warning. Motion carried. 5 yes- 2 no.

ROBERT W. HARRINGTON, MD

MOTION: Dr. Munro moved, seconded by Ms Heinemann, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of **Robert W. Harrington, MD - 02 MED 160**. Motion carried unanimously.

JOHN H. RANDALL, MD

MOTION: Dr. Musser moved, seconded by Dr. Lockhart, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of **John H. Randall, MD – 03 MED 475**. Motion carried unanimously. Dr. Munro abstained.

SCOTT D. HOWELLS, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Osborn, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of **Scott D. Howells, MD – 02 MED 218**. Motion carried unanimously.

MARK K. JENSON, MD

MOTION: Dr. Musser moved, seconded by Ms. Cook, to put the matter of **Mark K. Jenson, MD - 02 MED 482 -LS 0403293MED** over for deliberation at the June meeting and request the ALJ to appear before the Board in the matter. Motion carried unanimously. Dr. Munro left the room for the discussion and vote.

**DELIBERATION OF ADMINISTRATIVE WARNING
GENE WEGNER, MD**

MOTION: Ms. Cook moved, seconded by Dr. Musser, to accept the administrative warning as written in the matter concerning **02 MED 342 – Gene Wegner, MD**. Motion carried unanimously. Dr. Gudeman abstained.

APPLICATION RECONSIDERATION - DR. OSCAR PEREZ

MOTION: Dr. Gudeman moved, seconded by Dr. Munro, to negotiate conditions the Board will require of Dr. Oscar Perez prior to granting the license. The conditions are: 1) Limit the license and set the expiration date to terminate when the Texas order terminates; 2) Require quarterly psychiatric evaluations with quarterly reports to the Board; 3) A final fitness for duty evaluation must be submitted to the Board before a full license will be issued; 4) Require a semi-annual evaluation from his residency program to be submitted to the Department monitor. Motion carried unanimously. Ms. Heinemann abstained.

ORAL EXAMINATION AND INTERVIEW - CHRISTINA SIEGEL

A combined oral examination and interview of the applicant was conducted by the board.

MOTION: Ms. Heinemann moved, seconded by Dr. Osborn, to deny passage of the examination to Christina Siegel and recommend the applicant complete one or more years of post graduate training in the United States. Motion carried unanimously.

**APPLICATION REVIEW - SAMEER K. MATHUR
REQUEST FOR WAIVER OF 9-YEAR RULE**

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, to deny Sameer K. Mathur's request for waiver. Motion carried unanimously.

APPLICATION REVIEW - MEGAN A. FULLER

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to grant Megan A. Fuller a license conditioned on the issuance of an administrative warning. Motion carried unanimously.

MOTION: Dr. Osborn moved, seconded by Ms. Cook, to issue the administrative warning to Megan A. Fuller, as drafted. Motion carried unanimously.

DELIBERATION OF ADMINISTRATIVE WARNING - JONI G. TOMBARI

MOTION: Dr. Osborn moved, seconded by Dr. Munro, to issue an administrative warning to Joni G. Tombari, as drafted. Motion carried unanimously. Ms. Heinemann abstained.

APPLICATION REVIEW - LISA YUDICE

MOTION: Dr. Lockhart moved, seconded by Dr. Gudeman, to grant Lisa Yudice a license conditioned on the issuance of an administrative warning. Motion carried unanimously.

MOTION: Dr. Musser moved, seconded by Dr. Gudeman, to issue an administrative warning to Lisa Yudice as drafted. Motion carried unanimously.

DELIBERATION OF ADMINISTRATIVE WARNING - RANDALL L. WISE

MOTION: Dr. Musser moved, seconded by Dr. Gudeman, to issue an administrative warning to Randall L. Wise, as drafted. Motion carried unanimously. Ms. Heinemann abstained.

**APPLICATION REVIEW - ELOD Z. SZABO, MD
REQUEST FOR WAIVER OF 9-YEAR RULE**

MOTION: Dr. Lockhart moved, seconded by Ms. Heinemann, to deny Elod A. Szabo's request for qualification under the 9-year rule based on

the applicant's failure to show that the MD-PHD program is combined. Motion carried unanimously.

CONSIDERATION OF ORDER FIXING COSTS

MATTHEW CLAYTON, MD

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to adopt the order fixing costs in the matter of Matthew Clayton, MD. Motion carried unanimously.

JOHN F. POWERS, PA

MOTION: Dr. Musser moved, seconded by Ms. Heinemann, to adopt the order fixing costs in the matter of John F. Powers, PA. Motion carried unanimously.

DOE MONITORING

BENJAMIN BEGLEY, MD MENTOR AND THERAPY CHANGE REVIEW

MOTION: Dr. Gudeman moved, seconded by Dr. Munro, to approve the change of mentor to be either Dr. Hanusa or Dr. Tisini. Steven Roberts from Fond Du Lac will be added as the Therapist and Mr. Begley will continue as scheduled with Michael S. Goldstone, MD. Motion carried unanimously.

RAYMOND KOZIOL, MD REQUEST FOR THREE-MONTH STAY OF SUSPENSION

MOTION: Dr. Lockhart moved, seconded by Dr. Osborn, to grant Raymond Koziol's request for a 3-month stay of suspension. Motion carried unanimously. Dr. Gudeman abstained.

DAVID ONSRUD, DO REQUEST FOR THREE-MONTH STAY OF SUSPENSION

MOTION: Ms. Heinemann moved, seconded by Dr. Gudeman, to grant David Onsrud's request for a 3-month stay of suspension. Motion carried unanimously. Dr. Lockhart abstained.

DOE CASE CLOSINGS

04-MED-240

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, to close case 04-MED-240 for insufficient evidence. Motion carried unanimously.

04-MED-327

MOTION: Dr. Gudeman moved, seconded by Ms. Cook, to close case 04-MED-327 for no violation. Motion carried unanimously.

04-MED-468

MOTION: Dr. Musser moved, seconded by Dr. Munro, to close case 04-MED-468 for insufficient evidence. Motion carried unanimously.

02-MED-155

MOTION: Dr. Gudeman moved, seconded by Dr. Munro, to close case 02-MED-155 for no violation. Motion carried unanimously.

02-MED-321

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to close case 02-MED-321 for no violation. Motion carried unanimously.

02-MED-171

MOTION: Ms. Cook moved, seconded by Dr. Munro, to close case 02-MED-171 for no violation. Motion carried unanimously.

DELIBERATION OF REMEDIAL EDUCATION CASES RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA

There were no remedial education cases to address at this time.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Dr. Osborn moved, seconded by Dr. Musser, to ratify all licenses presented in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Musser moved, seconded by Dr. Munro, to adjourn the meeting at 1:35 p.m. Motion carried unanimously.

Next meeting June 15, 2005